



**CITY OF LONG LAKE
PLANNING COMMISSION MEETING MINUTES
November 17, 2020**

CALL TO ORDER

The meeting was called to order at 6:30 pm. by Chair Adams.

Due to the COVID-19 health pandemic, the Long Lake Planning Commission attended the meeting telephonically pursuant to Minn. Stat. 13D.021.

Present: Chair: Roger Adams; Commission Members: John Hughes, Virginia See, Anita Secord, and Steve Keating

Staff Present: City Administrator: Scott Weske (in person); City Planning Consultant: Hannah Rybak (telephonically); City Engineer: Alex Mollenkamp (telephonically)

Absent: None

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVE AGENDA

Commissioner Keating moved to approve the agenda as presented. Commissioner Secord seconded. Ayes: all by roll call.

CONSENT AGENDA

A. Minutes of the September 8, 2020 Planning Commission Meeting

Commissioner Secord moved to approve the Consent Agenda as presented. Commissioner Keating seconded. Ayes: all by roll call.

OPEN CORRESPONDENCE

City Administrator Weske read aloud a letter received from Jane Davidson, 1020 Old Long Lake Road.

BUSINESS ITEMS

- A. Public Hearing: Planning Case #2020-04/Request for Approval of a Preliminary and Final Plat and a Variance for Stauber Addition to be Located at 1055 Wayzata Boulevard W and the Unaddressed Property at PID: 35-118-23-42-0013

City Planning Consultant Rybak presented. She explained that the proposed plat would reconfigure two existing properties into two buildable single-family lots with one outlot. She

noted that they are also asking for a variance from the requirement that all lots must have frontage on a City street. She reviewed the proposed shared driveway that will be considered legal/non-conforming because it already exists. She noted that both of the proposed lots are more than double the lot requirement for the R1 district. She stated that staff is estimating that at least 23 trees will need to be removed and noted that a neighbor has expressed concern for a tree near the property line. She explained that the property owner has indicated that they will take protective measures in order to attempt to save and not damage that tree as well as others that are to be saved.

City Engineer Mollenkamp reviewed the engineering considerations, including: drainage and utility easement; sanitary sewer and water services; the need for documenting existing wells and septic systems; concerns regarding possible debris from previous building structures; existing and proposed drainage contours and patterns.

Planning Consultant Rybak stated that the proposal is consistent with the Comprehensive Plan guidance and other overall requirements. She reviewed the variance request and the criteria. She noted that the City had received two letters from neighboring property owners and also received an updated version of one of the letters which was distributed to the Commission via e-mail. She stated that staff recommends approval of the Preliminary and Final Plat and Variance, with the 9 conditions noted in the staff report.

Commissioner See asked if the Commission would hear from some of the neighbors that have concerns.

Chair Adams noted that they would have that opportunity once the public hearing is opened.

Chair Adams opened the public hearing at 6:53 pm.

Ed Peterson, 1045 Wayzata Boulevard, noted that he also owns the property at 1043 Wayzata Boulevard which are adjacent to this property. He asked if the City has found any existing easements for a sewer and water across the 1043 Wayzata Boulevard property.

City Engineer Mollenkamp stated that they have not found any record of an official easement and are still waiting on that as a condition.

Mr. Peterson stated that because he owns both properties, he can tell the City that there is not an easement. He stated that when the City installed the sewer in the late 1980s, they dropped the 1043 Wayzata Boulevard sewer in on the 1045 property and there had to be an easement because of where the contractor dropped it. He stated that once it hits the 1043 property, there is no easement.

City Engineer Mollenkamp thanked Mr. Peterson for this information and noted that the ball is in the applicant's court.

Mr. Peterson stated that there is an extremely large cottonwood tree that is on the north side of the property. He explained that one of those limbs fell down about five years ago and hit his home on 1045 Wayzata Boulevard which did \$125,000 worth of damage. He indicated that this tree is ready to fall down and do damage to nearby properties and possibly the highway. He suggested the City take a closer look and reconsider preservation because both he and the highway department feel this tree is a hazard. He stated that his

other major concern relates to water drainage because his home at 1045 Wayzata Boulevard is lower than the ground at 1055 Wayzata Boulevard.

Chair Adams asked if the Commission should add a condition that required the applicant to provide an engineered drainage plan to the City.

City Engineer Mollenkamp stated that is already a requirement and the City already has received a proposed grading plan from the applicant. She explained that the City will work with them if there need to be any changes made before a building permit is issued.

Mr. Peterson expressed concern about potential snow berms and the proximity of the planned drainage area to his garage.

Chair Adams stated that he understands the concerns raised by Mr. Peterson because he had to change the contours of his property when he remodeled in order for the water to flow away from the neighbor's home which was lower than his property.

Mr. Peterson stated that there are some pine trees that are along the eastern edge of the 1055 property and western edge of the 1045 property that he planted 40 years ago for privacy purposes, but also serve as a snow fence. He thanked the Planning Commission for allowing him to express his concerns.

Sandy Jackson, 315 Greenhill Lane, asked about the plan for the outlot. She stated that she would like to know who owns it and who will maintain it.

Chair Adams stated that his understanding is the outlot would be owned in concert by the two property owners.

Planning Consultant Rybak noted that the applicant plans to retain ownership of the outlot. She explained that his plan is to leave it in a natural state and not do anything with it as far as development or mowing the wooded area.

Ms. Jackson stated that it is not a wooded area now and the homeowners have been taking care of it for the last 20 years since the City abandoned mowing it.

Planning Consultant Rybak stated that she would defer that question to the applicant and noted that she was just relaying what he had communicated to her as part of the application. She noted that she had spoken with City Clerk Moeller and had a discussion about whether or not the City would require maintenance on the outlot strip because it is not a typical yard.

Ms. Jackson asked if it was acceptable, in this neighborhood, to have two such large structures such as the proposed 3,000+ square foot homes going into a neighborhood that has homes that are about 1,500 to 2,000 square feet.

Planning Consultant Rybak stated that from a zoning perspective, it meets City requirements and noted that these lots are larger than the ordinance required by at least double. She stated that the size question is up for interpretation about whether it fits the character of the area. She reiterated that these homes meet all ordinance requirements.

Robb Stauber, applicant, stated that he purchased this property about five years ago from a gentleman in Faribault. When he contacted him, he was told that at one time the previous owner had offered all the homeowners on Greenhill Lane the opportunity to buy their little sections near their property and had no takers, so he just kept the property. He indicated that his understanding of the outlot area is that it is just woods. He added that he has not walked the entire area behind Lot 2, but from what he saw it is just woods and his plan was to leave it as it is. He stated that if people have been maintaining it and mowing it, then he would have no problem mowing it. He noted that regarding the large tree mentioned by Mr. Peterson, when Hennepin County did the CR 112 roadwork they had come to him and said the neighbor wanted the tree removed. He stated that he had given them permission to remove it. He explained that the e-mail he received from the County was that the owner at 1045 Wayzata Boulevard would not allow it to happen because in order for the tree to come down they had to shut off power to that property as part of the process.

Mr. Peterson stated that they have no recollection of being approached by anybody about removing the tree. He commented that they had been negotiating with the County regarding the fence on the front of their property and the County was trying to negotiate using that tree as part of the negotiations on his property. He stated that they told them to leave the tree out of the negotiations, but they were in favor of it coming down, so there must have been a miscommunication.

Mr. Stauber stated that he does not think the snowplowing will cause problems and feels that the engineers will make sure the drainage is taken care of.

Chair Adams encouraged Mr. Peterson and Mr. Stauber to work together to achieve an amicable solution.

Mr. Peterson stated that he is happy to meet with Mr. Stauber and take a look at things. He noted that they are not opposed to the project, but he doesn't want to have any issues on their property because of this project.

Becky Botzet, 322 Greenhill Lane, stated that they bought their property over 15 years ago and were told that this strip of land was landlocked and abandoned and could not be built on. She stated that it has been framed into their yard with lilac bushes and they have been maintaining it for over 15 years. She stated that the lilacs and wildlife will be lost with this project. She stated that she is hoping that these homes won't be like what is on the other side of County Road 112 and be gigantic houses. She stated that she understands that there probably aren't answers to her concerns, but wanted to at least verbalize it to the City.

Chair Adams stated that he can sympathize with the neighbors regarding their concerns, but explained that those issues are not within the purview of the Planning Commission to determine or direct.

Ms. Botzet stated that she had tried to track down the owner of this property 15 years ago, but was unable to find them. She stated that she thinks quite a few of the neighbors also tried because they wanted to purchase the land so this type of thing didn't happen.

Chair Adams stated that if Ms. Botzet entered private property, made changes, and has been maintaining it, technically she has been trespassing.

Ms. Botzet stated that the property was not posted.

Chair Adams reiterated that technically she was trespassing regardless of whether the property was posted or not. He suggested that Ms. Botzet engage with the current owner of the property about purchasing some portion of the property to retain it the way they have been using it.

Mr. Stauber reassured the neighbors that he wants to maintain the privacy of these lots and keep trees as a way to have that kind of privacy.

Ms. Jackson stated that the City sold this property at auction in the 1980s and technically at that time, it was a landlocked piece of property and was not legal. She explained that since that auction, the neighbors have all tried to purchase that piece of property but to no avail. She explained that the prior owner either didn't respond to people or turned everyone down. She stated that they were all very surprised that someone had actually purchased this property since at one time they had offered more than what Mr. Stauber paid for the property. She indicated that she believes everyone would be interested in purchasing the pieces that abut each of their properties.

Chair Adams encouraged the neighbors to contact Mr. Stauber to have that conversation.

Earl Dingman, 1075 W Wayzata Boulevard, stated that he has concerns about his driveway. He stated that the shared driveway is about 2.5 feet lower than the yard where he plans on putting the driveway which will create a lot of water heading his way. He stated that he would like to know on the 1:3 ratio what the diameter of trees need to be when they are replanted as part of this project. He commented that there are a lot of trees on this property and if asked if the applicant takes down a four-inch tree will it be replaced with another four-inch tree. He asked how big a tree has to be to be counted as a tree.

City Engineer Mollenkamp stated that the drainage concerns have already been addressed in the plans.

City Planner Rybak explained that the minimum size requirements for deciduous trees they would need to be planted at a three-inch caliper thickness and for coniferous six feet in height at the time of planting. She explained that if the applicant removed three significant deciduous trees, then he would need to plant one of at least a three-inch caliper thickness.

There being no additional public comment, Chair Adams closed the public hearing at 7:24 pm.

Chair Adams gave an overview of the guide for Planning Commissions from the League of Minnesota Cities and their role in the review of subdivision applications.

Commissioner Hughes asked how many residential properties do not have road frontage.

Chair Adams noted that there are seven on Underhill Circle.

City Planner Rybak stated that she does not have an answer to that question, but can do some research and get back to him.

Commissioner Keating moved to recommend the City Council adopt a resolution approving the requests for a preliminary plat, final plat, and variance for Stauber Addition for property at 1055 Wayzata Boulevard W and PID 35-118-23-42-0013, subject to the following 9 conditions:

- 1. The drainage and utility easement shown on the plans outside of the subject property (which is shown as the access location for sanitary sewer and water services for proposed Lot 2) must be officially verified. If the easement does not exist, an easement must be obtained to provide sanitary sewer and water connections to proposed Lot 2.*
- 2. The Applicant shall provide an adequate access easement granting permanent access rights to Lot 2 through Lot 1, over the shared driveway. This will be recorded along with the plat.*
- 3. Any existing wells and septic systems shall be documented and shown to have either previously been properly abandoned or removed or shall plan to be abandoned or removed.*
- 4. Any debris or contaminants encountered are the responsibility of the landowner and shall be documented and disposed of following state and federal regulations including but not limited to the Minnesota Pollution Control Agency and Environmental Protection Agency.*
- 5. Any significant trees removed for the development of these lots shall be required to be replaced at a 1:3 ratio. This will be evaluated on an individual lot basis at the time of a building permit.*
- 6. Adequate protection zones must be provided for all trees to remain that could be impacted by construction. Fencing must be installed prior to the issuance of a building permit.*
- 7. If necessary, a permit from the Minnehaha Creek Watershed District must be obtained and provided to the City.*
- 8. Applicable Metropolitan Council SAC fees, City SAC, City WAC and connection charges shall be paid at the time of building permit issuance.*
- 9. Drainage easements are required for any surface drainage leaving the site that crosses private property. These easements shall either be private or public drainage and utility easements.*

Commissioner Hughes seconded. Ayes: all by roll call.

- B. Public Hearing: Planning Case #2020-05/Request for Approval of a Rezoning to B-2A Service Business District for the Properties Located at 2465 Wayzata Boulevard W and 2455 Industrial Boulevard W

Planning Consultant Rybak presented. She explained that the current zoning is I-1 Industrial and the 2040 Comprehensive Plan has the properties guided for commercial use. She stated that the original CUP for this property was approved in the early 1990s to allow the mini golf business and dome structure. She stated that the use has expanded over the years, but never with City approval. She explained that the new owner is making improvements and wants to bring the property into compliance with the zoning code. Staff recommended that

the applicant request a rezoning of the property rather than an amendment of the CUP. She noted that the structure will now include courts and turf for basketball, soccer, volleyball, baseball and softball; batting cages; weight training; meeting area; a cafe and other fitness use. She explained that the new owner is also interested in turning the grassy area that used to be the mini golf area into an outdoor field for soccer and football. She explained the reasons staff was recommending the rezoning request.

Chair Adams opened the public hearing at 7:38 pm.

There being no public testimony, Chair Adams closed the public hearing at 7:38 pm.

Commissioner Secord moved to recommend the City Council adopt an ordinance rezoning the properties located at 2465 Wayzata Boulevard W and 2455 Industrial Boulevard W to B-2A Service Business District. Commissioner See seconded. Ayes: all by roll call.

OTHER BUSINESS

A. Council Liaison Report

Council member Skjaret gave an overview of the recent Council activities that have taken place at both workshops and Council meetings over the last few months.

B. Commission Member Business

None.

C. Staff Business

City Administrator Weske stated that the December 8, 2020 Planning Commission meeting will need to be rescheduled to December 16, 2020.

ADJOURN

Hearing no objection, Chair Adams adjourned the meeting by general consent at 7:51 pm.

Respectfully submitted,

Scott Weske
City Administrator